

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LYNETTE C. DAVIS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:09CV608 RWS
)	
ORGANON USA, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

The multijurisdiction litigation case In re NuvaRing Products Liability Litigation, MDL 1964 has been assigned to this Court. Plaintiff recently filed her complaint in this district apparently under the impression that venue is proper here because the MDL case is based in this Court. Because this matter appears to have been filed in an improper venue I issued a show cause order on April 29, 2009, which directed Plaintiff to offer legal authority to support venue in this district and, in the alternative, to suggest whether the case should be dismissed or transferred under 28 U.S.C. § 1406.

Under 28 U.S.C. § 1391(a), when jurisdiction is founded only on diversity of citizenship, as in the present case, the action may be brought **only** in 1) a judicial district where any defendant resides, if all of the defendants reside in the same State; 2) a judicial district where a substantial part of the events giving rise to the claim occurred; or 3) a judicial district in which the defendant is subject to personal jurisdiction if there is no district in which the action may otherwise be brought.

The complaint alleges that Plaintiff's injury occurred in Newport News, Virginia. Based


on the numerous lawsuits filed in the United States District Court of New Jersey, all Defendants allegedly reside / have a principal place of business in that state. As a result, it appears that the proper venue of this lawsuit is either in Florida or New Jersey.

In response to the show cause order Plaintiff has requested that this matter be transferred to the United States District Court for the Eastern District of Virginia, Newport News Division. Plaintiff states that in the interest of justice that case should be transferred rather than dismissed base on a concern over the statute of limitation s on her claim.

I find that the interest of justice is best served by transferring this matter to the District of Virginia.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall transfer this action under 28 U.S.C. 1406(a) to the United States District Court for the Eastern District of Virginia, Newport News Division.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 14th day of May, 2009.